

EXHIBIT R – AFFIRMATION OF FINAL SETTLEMENT AGREEMENT

The WTC Captive Insurance Company, Inc. (“WTC Captive”); all of its Insureds listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended (“Agreement”); and Plaintiffs’ Liaison Counsel on behalf of all Plaintiffs, hereby affirm on the date or dates indicated below that the following conditions have been satisfied and, therefore, that the Agreement is the Final Settlement Agreement:

1. Sufficient Primary Plaintiffs (including __._% of Primary Plaintiffs on the Eligible Plaintiff List) have executed Releases and Covenants Not to Sue to satisfy the Opt-In Threshold as described in Section VI.D of the Agreement;
2. The WTC Captive has not exercised its exclusive right to void the Agreement as described in Section VI.E of the Agreement;
3. The Case Management Orders described in Section XXI.A of the Agreement have been entered; and
4. The WTC Captive, the Insureds, and Plaintiffs have not exercised the right to void the Agreement as described in Section XX.E of the Agreement.

On behalf of the WTC Captive Insurance Company, Inc.

Margaret H. Warner, Esquire
McDermott Will & Emery LLP
Counsel to the WTC Captive Insurance Company, Inc.

Date: _____

On behalf of the Insureds

James E. Tyrrell, Jr., Esquire
Patton Boggs LLP
Counsel to the Insureds

Date: _____

On behalf of all Plaintiffs

Paul J. Napoli, Esquire
Worby Groner Edelman & Napoli Bern, LLP
Plaintiffs' Liaison Counsel

Date: _____

William H. Groner, Esquire
Worby Groner Edelman & Napoli Bern, LLP
Plaintiffs' Liaison Counsel

Date: _____

Nicholas Papain, Esquire
Andrew J. Carboy, Esquire
Sullivan Papain Block McGrath & Cannavo, P.C.
Plaintiffs' Liaison Counsel

Date: _____